UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEBRASKA

ADMINISTRATIVE PROCEDURES FOR FILING, SIGNING AND VERIFYING PLEADINGS AND PAPERS BY ELECTRONIC MEANS

I. REGISTRATION FOR THE ELECTRONIC FILING SYSTEM

- A. DESIGNATION OF CASES. In 2002, all documents submitted for filing in this district, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System ("System") or shall be scanned and uploaded to the System. Parties proceeding pro se shall not be required to file electronically. See Paragraph III.D.
- B. PASSWORDS. Each attorney admitted to practice in the District of Nebraska shall be entitled to one System password from the Bankruptcy Court. The password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers in accordance with the System. Registration for a password is governed by Paragraph I.C.

C. REGISTRATION.

1. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form, attached to these procedures as Form A, a Credit/Debit Card Blanket Authorization Form, attached as Form B, and attend the necessary training required by the Court. These forms are also available on our web site at www.neb.uscourts.gov.

- All signed original Attorney Registration Forms and Credit/Debit Card Blanket Authorization Forms shall be mailed or delivered to the United States Courts, 111 S. 18th Plaza, Suite 1125, Omaha, NE 68102.
- 3. To ensure that the Clerk's Office has correctly entered a registering attorney's Internet e-mail address in the System, upon certification of requirements stated in Paragraph I.C.1, the Clerk's Office will send the attorney an Internet e-mail message after assigning the attorney a password. The Clerk's Office will then either mail password information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her password at the Office of the Clerk.
- 4. Once registered, an attorney may withdraw from participating in the System by providing the Office of the Clerk with notice of withdrawal. Such notice must be in writing, and mailed or delivered to the United States Courts, 111 S. 18th Plaza, Suite 1125, Omaha, Nebraska 68102. Upon receipt, the Office of the Clerk will immediately cancel the attorney's password and will delete the attorney's name from any applicable electronic service list.
- If any of the information on the Attorney Registration Form changes,
 e.g., mailing address, e-mail address, etc., the attorney must submit an amended Attorney Registration Form addressed to the United States
 Courts, 111 S. 18th Plaza, Suite 1125, Omaha, Nebraska 68102.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

- Registered participants shall file electronically all petitions, motions, pleadings, briefs, memoranda of law, or other documents required to be filed with the court in connection with a case.
- 2. Notwithstanding the foregoing, parties and attorneys who are not participating in the System are not required to electronically file pleadings and other papers in a case assigned to the System.
- 3. In Chapter 7, 12 and 13 cases, counsel for the debtor(s) <u>must</u> serve by mail, not fax, a paper copy of the petition, schedules and statement of affairs on the appointed trustee within five days of filing or three business days prior to the §341 meeting. Amendments to petition, schedules and statement of affairs must be served on the trustee by mail. Counsel for the debtor shall electronically file a certificate of service described in Paragraph II.B.2 below.
- 4. The Office of the Clerk shall not maintain a paper court file in any case filed after the effective date of these procedures except as otherwise provided in Paragraph III.G. The official court record shall be an electronic file maintained on the Court's server.
- Concerning expedited matters, the movant shall contact the courtroom deputy by phone as soon as possible after filing the item needing expedited treatment. Compliance with Nebraska Rules of Bankruptcy Procedure 9006-1 is required.

B. SERVICE.

- Whenever a pleading or other paper is filed electronically in accordance
 with these procedures, the System shall generate a "Notice of Electronic
 Filing" to the filing party and any other party who has requested
 electronic notice in that case.
 - a. If the recipient is a registered participant in the System, the Clerk's e-mailing of the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
 - Service of the "Notice of Electronic Filing" on a party who is not
 a registered participant in the System may be accomplished by
 e-mail, subject to the additional service requirements of
 Paragraph II.B.3 below.
- 2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a "Certificate of Service" is attached to these procedures as Form C.
- 3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading or paper. The filing party must therefore provide the non-registered party with the pleading or paper according to the Federal Rules of Bankruptcy Procedure.
- C. SIGNATURES.

- Petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Federal Rule of Bankruptcy Procedure 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically.
- 2. The attorney of record or the party originating the document shall maintain the original signed document for all bankruptcy cases at least one year after the case is closed. The ECF system provides notice of case closing. In adversary proceedings, the parties shall maintain the original document until after the case ends and all time periods for appeals have expired. Upon request, the original document must be provided to other parties or the court for review. (Federal Rule of Bankruptcy Procedure 9011 applies)
- 3. The pleading or other document electronically filed shall indicate a signature, e.g., "s/ Jane Doe."
- 4. The following procedure applies when a stipulation or other document requires two or more signatures:
 - a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document. For purposes of this rule, physical, facsimile or electronic signatures are permitted. A document may be signed

- in counterparts. (Federal Rule of Bankruptcy Procedure 9011 applies)
- b. The filing attorney then shall file the document electronically, indicating the signatories, e.g., "s/ Jane Doe," etc.
- c. The filing attorney shall maintain the signed document for all bankruptcy cases at least one year after the case is closed. The ECF system provides notice of case closing. In adversary proceedings, the parties shall maintain the signed document until after the case ends and all time periods for appeals have expired. Upon request, the signed document must be provided to other parties or the court for review.
- D. FEES PAYABLE TO THE CLERK. Prior to the electronic filing of any pleading or paper requiring a filing fee, a Credit/Debit Card Blanket Authorization Form must have been received and approved by the Financial Administrator of the Office of the Clerk. This form needs to be submitted only once. It will be kept on file in the Office of the Clerk and shall remain in effect until specifically revoked in writing. The cardholder has the responsibility to notify the Office of the Clerk of the new expiration date when the credit card has been renewed or cancelled.

E. ORDERS.

The Office of the Clerk will electronically file all orders and notices. <u>DO</u>
 NOT SUBMIT A PROPOSED ORDER TO THE COURT UNLESS
 INSTRUCTED TO DO SO.

- 2. The Court will produce and file standard orders to grant or deny motions.
 Many orders will be in the form of a text-only docket entry "order," which shall constitute the only court order concerning the matter. Under certain conditions, a party may be requested by the Court to submit the proposed order to the Courtroom Deputy responsible for the case.
- If counsel needs specific language in an order, counsel may contact the Courtroom Deputy responsible for the case by phone or e-mail and request permission to submit a proposed order.
- 4. The following e-mail addresses have been established for the electronic submission of proposed orders authorized to be submitted.

 orders omaha@neb.uscourts.gov

 orders lincoln@neb.uscourts.gov
- 5. Electronically submitted orders may not be combined with the application or motion into one document. The application or motion must be entered on the docket prior to submitting the order electronically. <u>DO NOT ATTEMPT TO FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE PLEADING.</u>
- 6. All proposed orders must be submitted in a format compatible with WordPerfect 9 or a lower WordPerfect version, which is a "Save As" option in most word processing software.
- 7. All signed orders will be filed electronically by the court or court personnel. Any order filed electronically without the original signature of a judge has the same force and effect as if the judge had affixed the

- judge's signature to a paper copy of the order and it had been entered on the docket in a conventional manner.
- F. TITLE OF DOCKET ENTRIES. An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.

G. CORRECTING DOCUMENTS FILED IN ERROR.

- Once a document is submitted and becomes part of the case docket,
 corrections to the docket are made only by the Office of the Clerk.
- 2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, or selecting the wrong document type from the menu, or entering the wrong case number and not catching the error before the transaction is completed. <u>Do not attempt to refile the document.</u>
- 3. As soon as possible after an error is discovered, contact the Clerk's Office. Be sure to have the case number and document number for which the correction is being requested. If appropriate, the Court will make an entry indicating that the document was filed in error. You will be advised *if* you need to refile the document. The System will not permit you to make changes to the document(s) or docket entry filed in error once the transaction has been accepted.
- H. TECHNICAL FAILURES. The Clerk's Office shall deem the U.S. Bankruptcy

Court, District of Nebraska's CM/ECF site to be subject to technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on our web site, if possible.

- 1. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally or contact the Clerk's Office for permission to file the document provisionally via fax. If the filer provisionally files a document, the filer then must conventionally or electronically file the document within forty-eight hours after faxing it.
- A filing party whose filing is made untimely as the result of a technical failure of the court's CM/ECF's site may seek appropriate relief from the court.
- I. PRIVACY. To address the privacy concerns created by Internet access to court documents, litigants may modify or partially redact certain personal data identifiers appearing in pleadings or other papers. This data and the suggested modifications are as follows:
 - 1. Minors' names: Use the minors' initials;
 - 2. Financial account numbers: Identify the name or type of account and the

- financial institution where maintained, but use only the last four numbers of the account number;
- Social Security numbers: As of this date, the full Social Security number is required.
- 4. Dates of birth: Use only the year; and
- 5. Other data as permitted by order of the court.

III. MISCELLANEOUS FILING REQUIREMENTS

- A. MOTIONS FOR RELIEF FROM AUTOMATIC STAY, MOTIONS FOR USE OF CASH COLLATERAL, CHAPTER 12 LOCAL RULE 2082-1 REQUIREMENT AND SIMILAR MOTIONS. No exhibits or supporting documents shall be filed with the initial "motion." The "motion" (including a Chapter 12 Plan) shall include in the body, or in an attachment, a written summary of contents of the exhibits or documents. The exhibits shall be served on opposing counsel in electronic or paper form and the movant shall provide an electronic or paper copy to any interested party upon request. A certificate of service must be filed, preferably electronically.
- B. CONTESTED MATTERS. If a resistance to a motion is filed, and the matter set for hearing, both parties shall file exhibits, preferably electronically. Such filing shall be accomplished at least three days prior to the hearing, if done electronically, and five days prior to the hearing, if done conventionally.
- C. ADVERSARY PROCEEDINGS. Summary judgment, motion to dismiss, etc.
 The Index of Evidence shall be filed electronically and a paper copy of the

exhibits, with a paper copy of the Index, shall be submitted to the Clerk. The Clerk shall note a receipt of the paper copy of the exhibits on the electronic docket and note on the electronic docket the date the exhibits were delivered to chambers. An electronic or paper copy of the Index and Exhibits shall be served on the opposing party, if required by the Code or Rules, and a certificate of service must be filed, preferably electronically.

- D. CHAPTER 12 CONFIRMATION AND DISCHARGE ORDERS. If no objection is filed to the confirmation of plan or entry of discharge, the plan will be confirmed, or the discharge entered, only upon the electronic filing by the Chapter 12 Trustee of a "Consent to Confirmation" or "Consent to Discharge." Such "consent" shall represent the trustee's notification to the court that all matters precedent to confirmation or discharge have been completed. Upon such filing by the trustee, a text-only order, confirming the plan or discharging the debtor(s), shall be entered. If custom language is needed, see Paragraph II.E.3 above.
- E. DOCUMENTS TO BE FILED UNDER SEAL. A motion to seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Office of the Clerk and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Office of the Clerk.
- F. EXHIBITS. Exhibits, including but not limited to leases, notes, and the like, which are not available in electronic form, may be filed in paper format. A copy

- of the Notice of Electronic Filing shall describe the document so filed. It is preferred that such documents, or the relevant portions thereof, should be electronically imaged (i.e., "scanned") and filed using the Portable Document Format (PDF).
- G. PRO SE FILERS. Pro se filers shall file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute. These documents will be scanned by the Office of the Clerk, and shall be maintained in that office after scanning.
- IV. PROOF OF CLAIM. Registered participant(s) shall file proofs of claim electronically as stated in Paragraph IV.B. If filed conventionally, the filer shall provide a paper copy of the proof of claim and attachments to the Trustee, if one is appointed, the attorney for the Debtor or Debtor in Possession, and attorney for each official committee, if any.
 - A. FILING FROM A REMOTE LOCATION; LIMITED USE PASSWORD. Proofs of claim may be filed electronically by the person obtaining a limited use password from the Office of the Clerk. Each participant must complete and sign an Application for Limited Use/Claim Password Form, attached to these procedures as Form D.
 - B. EXHIBITS/ATTACHMENTS. Exhibits or attachments to proofs of claim, including, but not limited to leases, notes, and the like, shall not be electronically

filed with the Court. The proof of claim shall only include a brief, but detailed, description of the exhibits that are directly germane to the matter under consideration by the Court. A summary of the exhibits shall be submitted as part of the claim.

- C. SERVICE. The claimant shall file a Certificate of Service with the notation that the exhibits are available upon request. This certificate, attached as Form E, should be appended to the claim and submitted as a PDF document. The claimant shall mail a copy of the claim and exhibits to the trustee and counsel for the Debtor in paper form.
- D. TRANSFER OR ASSIGNMENT OF CLAIM. The party filer must serve all transfers or assignments of claim on the Trustee, if one is appointed, the attorney for the Debtor or Debtor in Possession, and attorney for each official committee, if any. The Clerk will comply with Federal Rule of Bankruptcy Procedure 3001 (E)(2). If no timely objection is filed, the Clerk shall enter a text-only docket entry order.

V. PUBLIC ACCESS TO THE SYSTEM DOCKET

- A. PUBLIC ACCESS AT THE COURT. Electronic access to the electronic docket and documents filed in the System is available for viewing to the public at no charge at each Office of the Clerk during regular business hours. A fee for a paper copy of an electronic document is required in accordance with 28 U.S.C. § 1930.
- B. INTERNET ACCESS. Although any person can retrieve and view documents

in the System and access information from it without charge at the Office of the Clerk, electronic access to the System for viewing purposes is otherwise limited to subscribers to the Public Access to Court Electronic Records ("PACER") System and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES. Conventional copies and certified copies of the electronically filed documents may be purchased at the Office of the Clerk. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

United States District and Bankruptcy Courts District of Nebraska

ELECTRONIC CASE FILING SYSTEM ATTORNEY REGISTRATION FORM

This form shall be used to register for accounts on the Courts' Case Management/Electronic Files (CM/ECF) systems. Registered attorneys and other participants will have privileges both to electronically submit documents and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF systems. The following information is required for registration:

First/Middle/Last Name:	
Last Four Digits of Social Security Number:	
Attorney Bar # and State:	
Firm Name:	
Firm Address:	
Voice Phone Number:	
FAX Phone Number:	
Internet E-Mail Address:	
Please specify which court you are registering in:	
Both Bankruptcy	District

By submitting this registration form, the undersigned agrees to abide by the following rules:

- 1. The systems are for use only in cases designated by the U.S. Courts for the District of Nebraska. The systems may be used to file and view electronic documents, docket sheets, and notices.
- Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form. Additionally, attorneys filing in the U.S. Bankruptcy Court must complete a Credit/Debit Card Authorization Form. An attorney/participant's password issued by the court combined with the user's identification (login), serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the court. If there is any reason to suspect the password has been compromised in any way, such as resignation or reassignment of the person with authority to use the password, it is the duty and responsibility of the attorney/participant to immediately notify the court. The court will immediately delete the password from the electronic filing system and issue a new password.

- 3. Pursuant to Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011, every pleading, motion and other paper (except creditor lists, schedules, statements or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Electronic Filing System shall constitute the signature of that attorney under Federal Rule of Civil Procedure 11 and Federal Rule of Bankruptcy Procedure 9011
- 4. I hereby authorize the U.S. Bankruptcy Court to make charge upon the credit card I have provided for any applicable fees required in conjunction with filings I make. I understand that it is my responsibility to provide the court with any changes to my credit card information and failure to do so may result in temporary loss of my login to the System.
- 5. Registration as a Filing User constitutes: (1) consent to receive notice electronically and waiver of the right to receive notice by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Bankruptcy Procedure 7005; (2) consent to electronic service and waiver of the right to service by personal service or first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) and Federal Rule of Bankruptcy Procedure 7005, except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Notice by electronic means is complete as set forth in the General Order notwithstanding Federal Rule of Bankruptcy Procedure 9036.
- 6. A user accesses court information via the court's Internet site or through the Public Access to Court Electronic Records ("PACER") Service Center. Although the court manages the procedures for electronic filing, all electronic public access to case file documents occurs through PACER. A PACER login is required, in addition to, the password issued by the court. To register for PACER, a user must complete the online form or submit a registration form, available on the PACER web site (http://pacer.psc.uscourts.gov).
- 7. By this registration, the undersigned agrees to abide by all of the rules and regulations in the most recent General Order, *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* currently in effect and any changes or additions that may be made to such Administrative Procedures in the future.

Please return to:	U.S. Courts					
	District of Nebraska Attn: ECF Attorney Registration 111 South 18 th Plaza, Suite 1125					
						Omaha, NE 68102
Date	Attorney/Participant Signature					

Your login and password will be sent to you by the Office of the Clerk by regular, first-class mail. If you prefer to have your login/password sent to an address other than the one listed on page one of this form, please write the address in the space provided below:

Firm Address:	 	 	

United States Bankruptcy Court of Nebraska

Credit/Debit Card Authorization Form

Name of Attorney/Participant		nereby
authorizes the United States Bankruptcy Court for credit/debit card for payment of fees and other cour		aska to charge the following
Visa V Code MasterCard	(appears on bac	k of card in italics)
American ExpressCID Code Visa Debit Card MasterCard Debit Card Discover Card	(appears by exp	o date 4 - digits)
Diner's Club Card		
Please Print:		
Credit Card Number		Exp Date
Credit Card Number (Secondary, if needed)		Exp Date
Name on Card		
Address		
City	State	Zip Code
Phone Number		
Please indicate if this information is: NEW [] UPDATED [1
This form will be kept on file in the Clerk's Office a writing. It is the responsibility of the cardholder na expiration date when a credit card has been renewe	amed herein to notify	the Clerk's Office of the new
In the event the charge against this account is denied, cash, money order or certified check. Any abuse of the card program.	•	
Signature		Date
Titla		

Please return completed form to:

U.S. Bankruptcy Court, Financial Dept, 111 So 18th Plaza, Ste 1125, Omaha, NE 68102

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEBRASKA

SAMPLE FORMAT - CERTIFICATE OF SERVICE

I hereby certify that on	(Date)	, I electronically filed the foregoing with the Clerk of th
Bankruptcy Court using the	CM/ECF syst	tem which sent notification of such filing to the following:
	, and I hereb	by certify that I have mailed by United States Postal Service th
document to the following a	non CM/ECF p	participants:
•		
		s/

5.

UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEBRASKA

APPLICATION FOR LIMITED USE/CLAIM PASSWORD FOR ELECTRONIC CASE FILING SYSTEM

NAN	Æ:				
LAS'	T FOUR DIGITS	OF SOCIAL SECU	JRITY NUMBER:		
ADD	ADDRESS:				
PHONE #: FAX #:					
E-M	AIL ADDRESS:				
BAR	ID # (if applicab	le):	STATE OF		
1.		District of	nat I am admitted to practice in the United States Courts for (applicable state) and that the information set forth		
2.	Proofs of Claim authorized to pro	on behalf ofepare and file Notice(s	lication: I affirm that I am authorized to prepare and file, and/or I am, and/or I am, of Appearance on behalf of thorized to execute and submit Reaffirmation Agreements		
3.	case or proceed verifications, pro agreements, or of Application (my limitation, the Ur	ling will constitute moofs of claim, notices ther papers or docume password), for all purited States Code, Federal	e password to file a document in the record of a bankruptcy by signature upon and my signing of any declarations, is of appearance, assignments of claims, reaffirmation ents filed by use of the password obtained pursuant to this reposes authorized and required by law, including, without eral Rules of Civil Procedure, Federal Rules of Bankruptcy procedure and any applicable non bankruptcy law.		
4.	signature that are signer on whose	e filed using my passw behalf I file the docum	to maintain in my records all documents bearing my original ord, and all documents bearing the original signature of any ents using my password, for a period of four years after the s are files has been closed.		

I understand that it is my responsibility to protect and secure the confidentiality of my password.

If I believe that my password has been compromised, it is my responsibility to notify the court in writing, immediately.

- 6. I understand that it is my responsibility to notify the court, immediately, of any change in my address, telephone number, fax number, or e-mail address.
- 7. Registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment. Service by electronic means is complete as set forth in the General Order notwithstanding Federal Rule of Bankruptcy Procedure 9036.
- VIII. By this registration, the undersigned agrees to abide by all the rules and regulations in the most recent General Order, *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* currently in effect, and any changes or additions that may be made to such Administrative Procedures in the future.

Please return to: U.S. Bankruptcy Court

District of Nebraska

Attn.: Director, Information Technology Services

111 South 18th Plaza, Suite 1125

Omaha, NE 68102

Applicant Signature	
APPROVED BY:	
PASSWORD#	DATE:

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEBRASKA

In re:	
)))	Case No.
)	
SUMMARY OF EXHIBITS AND	D CERTIFICATE OF SERVICE
The following exhibits in reference to the	(Motion/Claim to be filed) are available
upon request:	
1	
2	
3	
	Respectfully submitted
	ATTORNEY FOR
Copy of the above served this	
day of,on:	
[respondent parties if motion] [debtor's (s') attorney and trustee if claim]	